

# **EXHIBIT C**

1 PAUL D'AURIA

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 Case No. 19-CV-4650



ORIGINAL

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6  
7 RAFAEL FOX, PAUL D'AURIA, and JILL )

8 SHWINER, )

9 Plaintiffs, )

10 v. )

11 STARBUCKS CORPORATION d/b/a STARBUCKS )

12 COFFEE COMPANY, )

13 Defendants. )

14 )  
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16  
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18 DEPOSITION OF PAUL D'AURIA

19 TAKEN REMOTELY BY VIDEO CONFERENCE

20 September 9, 2020

21  
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23  
24 Reported by: Mary Ann Payonk

25 Job No. 183853

PAUL D'AURIA

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Q. Who did you interview with?

A. The owners, Laura Mazur and Al

Vecchione.

Q. What were their positions at the  
company?

A. They were co-owners.

Q. And what position did you interview  
for?

A. Pest control technician.

Q. And was there a job description for  
that position?

A. Basically, servicing commercial and  
residential accounts.

Q. Had you worked in that field before?

A. Yes, I did. I worked in pest control  
from 1986 to 1990.

Q. '86 to '90?

A. Yes.

Q. And what company did you work for?

A. Unlimited Pest Control.

Q. Where are they located?

A. They were in Staten Island, New York.

Q. And what was your job description for  
Unlimited?

1 PAUL D'AURIA

2 A. Sure. From October of 2000 to maybe  
3 the spring of 2003. And then Starbucks asked  
4 us to come back and service the stores in I  
5 think also the spring of 2005 to September of  
6 2009. And then I believe they asked for our  
7 assistance again from 2013 to 2018.

8 Q. 2013 to '18?

9 A. Yes.

10 Q. And during those different periods of  
11 time, it sounds like you worked at Starbucks  
12 locations at three or so different periods of  
13 time. Did your work change at all when you  
14 were working at Starbucks locations, or was it  
15 the same?

16 A. As far as Starbucks being serviced,  
17 it was basically the same service we provided.

18 Q. Okay. And tell me again specifically  
19 as to Starbucks, what was your job?

20 A. My job was to inspect, evaluate,  
21 troubleshoot any pest issues that stores were  
22 having.

23 Q. So give me an example. By the way,  
24 was that the same throughout the three periods  
25 of time that you worked at Starbucks?

PAUL D'AURIA

1  
2 the other two companies during this time period  
3 that you were working for Starbucks -- I think  
4 the Stock Exchange was one and Methodist  
5 Hospital was the other -- did you see any of  
6 these products at those facilities or those  
7 companies?

8 A. No, I didn't.

9 Q. And during your employment with AVP,  
10 did you work at those two companies as well as  
11 Starbucks throughout the period?

12 A. I serviced those along with Starbucks  
13 at the same time.

14 Q. Got it. And other than the three  
15 companies that you serviced, were there any  
16 other companies that you worked with at AVP  
17 during this time period of '07 to '18?

18 A. Yes, I did see them in other  
19 locations.

20 Q. And which location?

21 A. The location was a company called  
22 Le Pain Quotidien in Manhattan and throughout  
23 the City.

24 Q. Right. And did you provide pest  
25 control and evaluate stores at that company?

1 PAUL D'AURIA

2 A. Yes.

3 Q. And for what period of time?

4 A. I believe from 2011 to 2013, around  
5 there, maybe '14.

6 Q. And during that -- okay, and during  
7 that time, did you see any of these products at  
8 Le Pain Quotidien stores, Hot Shot or pest  
9 strips, etc.?

10 A. They did -- at that location, they  
11 were putting in a different brand of DDVP pest  
12 strips. The manufacturer -- they're  
13 manufactured by the same company but they're  
14 branded to different companies to sell. And  
15 there's also another version of those strips.  
16 I believe the name is Fruit Fly BarPro. It's  
17 the exact same product, it's just branded  
18 differently, but the same chemicals.

19 Q. Got it. And when you saw those  
20 products at Le Pain Quotidien, did you report  
21 them to anyone at the company?

22 A. Yes, we did.

23 Q. To whom?

24 A. Their facilities manager.

25 Q. Anyone else?

1 PAUL D'AURIA

2 MR. GRAFF: Objection.

3 Q. What are you claiming?

4 A. Could you rephrase that? What do you  
5 mean, what am I claiming?

6 Q. Yeah. You know, what are you seeking  
7 from Starbucks in this case by way of damages?

8 What do you want to recover?

9 What's your request for damages?

10 A. The maximum that --

11 MR. GRAFF: Objection.

12 A. The maximum that --

13 Q. Let me ask you a different way. What  
14 damages did you suffer?

15 What have you suffered as a result of  
16 Starbucks' actions?

17 A. I've suffered a lot of emotional  
18 distress. I was always being exposed to  
19 chemicals that -- pretty unexpected. I had  
20 numerous occasions of pesticides. I would walk  
21 into vapors when I wasn't prepared for it. I  
22 was walking in on, you know, chemicals dripping  
23 from the ceiling at times. I suffered  
24 emotionally. I was worried about people's  
25 health. I was worried about my own health, the

PAUL D'AURIA

long-term effects of chemicals. I would worry that if anybody ever sued Starbucks, I would -- you know, could lose my license or my livelihood over the course of all those years of those incidents.

Q. During the times that you were exposed to pest strips, did you see any doctors because of that exposure?

A. No.

Q. Did you see any kind of healthcare professional as a result of your exposure to pest strips?

A. No.

Q. Did you see any psychologist or psychiatrist or mental health worker as a result of your --

A. No.

Q. -- exposure to pest strips or any similar products?

A. No, I did not.

Q. Do you take any medicines, prescription or over the counter, as a result of your exposure to any chemicals while working for Starbucks?



1 PAUL D'AURIA

2 THE WITNESS: I'm going to call  
3 back in since you're still breaking up.  
4 I don't know if it's my phone or the  
5 connection.

6 MR. WEBER: I hear you fine.

7 (Off the record to resolve a technical  
8 issue.)

9 BY MR. WEBER:

10 Q. You said you worked at Starbucks and  
11 Le Pain Quotidien, where there were pest  
12 strips. Have you ever been in any other  
13 restaurant or store that had pest strips in it?

14 A. Not when I was working, no.

15 Q. What about when you were not working?

16 A. I once went into a pizzeria or a  
17 cafe, and there was one hanging up in the food  
18 area right above where everybody was standing,  
19 eating.

20 Q. What did you do when you saw it?

21 A. Took a photo of it and reported it.

22 Q. I'm sorry, took a photo and then  
23 what?

24 A. Took a photo and reported it to the  
25 Department of Health.